

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13545 of 2007

Dated:02.07.2007

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Between:

-
Liyakhath Ali Khan.

...PETITIONER

and

The District Collector, Ranga Reddy District, and others.

...RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.13545 of 2007

ORDER:

The petitioner alleges that he along with his brother - Amjad Ali Khan purchased land to an extent of Ac.1.21 guntas in survey No.67/1 situated at Jalpally Village, Saroornagar Mandal, Ranga Reddy District, under a registered sale deed dated 10.08.1994. The property was allegedly purchased from Sri Mohd.Abdul Lateef. After purchasing the property, the petitioner statedly approached third respondent and obtained necessary mutation. He constructed a house, a masque and also started a mosaic tile and hallow brick manufacturing unit in the name and style of M/s. Orient Tiles. The structures were also assessed to property tax by Jalpally Gram Panchayat as house No.4-14/1(new No.7-75). He also alleges that in 2001, his brother-Amjad Ali Khan relinquished his half share in the property under registered document dated 31.10.2001 and the petitioner approached third respondent and obtained pattadar passbook and title deed in respect of said property, vide proceedings dated 12.01.2006. It is alleged that on 15.06.2007, some persons claiming to be the subordinate officials working in the office of respondents 1 to 3 visited the petitioner's property and started interfering with his possession and measuring the property without due process of law. Therefore, the petitioner filed instant writ petition seeking a writ of Mandamus for declaration and consequential direction.

This Court has perused the affidavit accompanying the writ

petition. This Court also heard the submissions made by the learned counsel for the petitioner. The allegation that the subordinate officials are interfering is made in such a vague manner that no credence can be given to it. As rightly pointed out by the learned Assistant Government Pleader for Revenue, the writ petition is filed on mere apprehension. However, this Court observes that if the petitioner is lawful owner and is in lawful possession of the property, the respondents cannot interfere with his possession without following due process of law. If there is any interference from the third parties, the petitioner's remedy is to approach the Civil Court and seek injunction.

The writ petition is misconceived and the same is accordingly dismissed. No costs.

(V.V.S.RAO, J)

02th July, 2007

ghn